



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,506	11/24/2003	Mitica Manu	MSFT-2792/306045	4588
41505 7590 08/14/2007 WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER CHEN, QING	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/720,506

Applicant(s)

MANU, MITICA

Examiner

Qing Chen

Art Unit

2191

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-22.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

WEI ZHEN

SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: Applicant's arguments are not persuasive.

In the remarks, Applicant argues that:

Applicants submit that it appears that the Examiner looks to Goodwin at Fig. 1, Fig. 3, 302,304,306, Fig 4 and Col 8, lines 6-12 to show modelers working on blocks of source code. Fig. 1 of Goodwin is the entire code generating system showing use of a modeler (actually modelers 302, 304, and 306), but fails to show a code block as input to a modeler. The Goodwin system teaches of generating logic models (Fig 2. ref. number 202), but no source block code is input or shown. Model adaptors are shown working on the particular modeler utilized, but no input code block per se, is shown or described as an input.

In contrast to a modeler adapter, Applicants' claimed invention is directed to a program that may generate many types of object code (via language selection) from input source code (the block code in Claim 1 and others). The modeler found in Goodwin at Fig 1 (302, 304,306) differs from the claimed modeler. As claimed, a modeler includes working on block code as an input, and Goodwin does not teach such function.

Examiner's response:

Examiner disagrees. Goodwin et al. clearly disclose source block code (see Column 8: 44-48, "Shown are a number of modeling tools 302, 304, 306 both data modeling 302 and object modeling 304, 306, defining data within a database 308 or defining objects and relating these objects to the data within the database 308."). Note that the data from the database is interpreted as the claimed source block code.

In the remarks, Applicant argues that:

Applicants submit that another claim limitation missing in Goodwin, is that of a modeler creating a graphic representation of the structure and flow of the code block. It appears that the Examiner utilizes Goodwin Col 12, line 65 to Col. 13 line 1, for teaching graphically associating meta data objects with each other. However, no connection or recitation in Goodwin shows that such graphic ability is found in the Goodwin software logic modelers or permits view of both structure and flow of the code block as claimed.

Examiner's response:

Examiner disagrees. Goodwin et al. clearly disclose generating a graphical representation of a structure and flow of the code block (see Column 10: 54-56, "Examples of model structures for the logical models are a relational model, for example, DESIGNER 2000, and the UML class/object model, for example, RATIONAL ROSE."). Note that Rational Rose is a well-known software design tool for visual modeling of software applications.

In the remarks, Applicant argues that:

The Examiner cites to Goodwin at Col 12, line 65 to Col. 13 line 1 to discuss a metadata case tool to graphically associating metadata. The Independent claims recite a graphic display of the code elements and (input) code block, the input of which is to be the modeler. Further this claimed code modeler is a graphic representation of structure and flow of the (input) code block. The meta data modeling discussed in Goodwin is directed to meta data in the schema, these schema defining application business objects, but no mention of source code graphics is made.

Examiner's response:

Examiner has addressed Applicant's arguments in the Examiner's response above.

In the remarks, Applicant argues that:

Applicants submit that the Examiner assumes that with a nesting of control structures and code, an implication arises that the code block parser must operate from inner to outer elements. Actually, Goodwin does not discuss any order of operation of element handling. Goodwin also fails to discuss the way or procedure of block code expression handling (some examples being inner, outer, top down, bottom up, algebraic, pushing/popping a stack, reverse polish, etc), as it does not discuss or teach operation on a source code block. Applicants submit that the control structures and block code cited by the Examiner are not input to the modeler, but actually is the modelers output, for subsequent input into the code generator or for use in the model adaptors.

Examiner's response:

Examiner disagrees. Goodwin et al. clearly disclose processing a code block of source code from an innermost element to an outermost element (see Column 1: 18-22, "An object model is a formal description of an object-oriented application. Semantic elements of an object model describe object classes, attributes of object classes, relationships between object classes and inheritance between object classes."; Column 4: 22-25, "An 'object model' is a set of object classes that together form a blueprint for building an object-oriented application. Each object class of an object model can have attributes, inheritances, and relationships. Object models may be in the form of 'logical models' generated by particular modeling tools ..."; Column 10: 54-56, "Examples of model structures for the logical models are a relational model, for example, DESIGNER 2000, and the UML class/object model, for example, RATIONAL ROSE."). Note that Rational Rose can generate a logical model of the object-oriented application by traversing the elements of the object-oriented application, whether from an innermost element to an outermost element or from an outermost element to an innermost element.

In the remarks, Applicant argues that:

The Examiner apparently cites to Goodwin at Col 8, lines 6-12 to find support for input of a code block to a modeler. Applicants respectfully submit that the block code found at Goodwin, Col 8, lines 10-11, is for use in the Goodwin Templates (324). More directly, this described code block is not for entry or input into modeler 202 (Logical Model- Fig. 2), but conversely is the output of the modeler to the modeler adapter 204 or for use with the system definitions (208) (actually templates 324) to develop code in code generator 210.

Examiner's response:

Examiner has addressed Applicant's arguments in the Examiner's response above.